

ASSEMBLY BILL

No. 850

Introduced by Assembly Member Runner

February 20, 2003

An act to amend Section 2257 of the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 850, as introduced, Runner. Breast cancer treatment: patient consent.

Existing law, the Medical Practice Act, regulates the practice of medicine in this state. Existing law requires a physician and surgeon treating a patient for breast cancer to inform the patient of alternative treatment options.

This bill would require a physician and surgeon to obtain a patient's written consent stating that the patient was informed of other treatment options before performing a mastectomy.

Because a violation of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 2257 of the Business and Professions Code is amended to read:

2257. (a) The violation of Section 109275 of the Health and Safety Code, relating to informed consent for the treatment of breast cancer, constitutes unprofessional conduct.

(b) *If a physician and surgeon makes a recommendation that a patient have a mastectomy, the physician and surgeon shall obtain the patient's written consent stating that the patient was informed of other treatment options before the mastectomy is performed.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

